

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**FEDERAL INSURANCE COMPANY, as
subrogee of Bama Air, Inc. and Bridgeport,
Associates, Inc.,**

Plaintiff,

v.

**CESSNA AIRCRAFT COMPANY, TEXTRON
AVIATION INC. and TAT TECHNOLOGIES,**

Defendant.

Case No. 16-CV-2755-JWL-GLR

MEMORANDUM AND ORDER

The Court has before it the Consent Motion to Continue the Date for the Scheduling Conference and the Deadlines for the Report of the Planning Meeting and the Rule 26 Initial Disclosures (ECF 24).

Plaintiff and Defendants Cessna Aircraft Company (“Cessna”) and Textron Aviation Inc. (“Textron”) have jointly filed the motion. It asks the Court to continue for 60 days the scheduling conference, presently set for July 13, 2017. The motion also asks the Court to extend by 45 days the deadline for the parties to conduct their planning meeting and to exchange the disclosures required by Fed. R. Civ. P. 26. The co-defendant TAT Technologies (TAT) has not entered an appearance in the case and, consequently, has not joined in the motion.

The Court notes the history of this case: Plaintiff filed its Complaint on November 3, 2016. Defendants Cessna and Textron filed their Answer on December 22, 2016. On April 17, 2017, the Court entered its Initial Order Regarding Planning and Scheduling (ECF 12). It set the scheduling conference for July 13, 2017. It also set deadlines of June 22 and 29, 2017,

respectively for the parties to conduct their planning conference and submit to the Court their report.

The third defendant in this case, TAT Technologies, has not yet entered an appearance. The parties suggest that TAT is located in the country of Israel. Plaintiff Federal Insurance Company has filed three returns of summons, purportedly to show service upon Defendant TAT. One suggests service by certified mail on April 28, 2017, upon Limco Airepair Inc. at Oklahoma City, Oklahoma (ECF 15). The second suggests service by certified mail on April 26, 2017, upon Piedmont Aviation Component Services, LLC at Raleigh, North Carolina (ECF 16). The third suggests service by international mail on January 30, 2017, upon TAT Technologies in Geder, Israel (ECF 17).

Two pending motions challenge the validity of the purported service upon the non-parties Piedmont Aviation Component Services, LLC and Limco Airepair and Defendant TAT. (ECF 19 and 21) The motions contend that the purported service upon them is invalid and that the Court has no jurisdiction to proceed against them or the defendant TAT. By contrast, Plaintiff has filed Plaintiff's Motion to Conduct Limited Jurisdictional Discovery and Motion to Extend the Deadline to Respond to Limco Airepair Inc.'s Motion to Quash Purported Service of Process and Supporting Memorandum. (ECF 21) All three of these motions remain pending. The Court will address them in due order.

The parties cite no rule or other authority for their present motion to continue the scheduling order and related deadlines. Fed. R. Civ. P. 16(b)(2) provides as follows: "The judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared."

Given the foregoing uncertainty of the status of the defendant TAT Technologies and the several pending motions, the Court finds good cause, pursuant to Fed. R. Civ. P. 16(b)(2), to extend the deadline for the parties to confer and submit the report of a planning meeting and to continue the scheduling conference.

IT IS THEREFORE ORDERED that the Consent Motion to Continue the Date for the Scheduling Conference and the Deadlines for the Report of the Planning Meeting and the Rule 26 Initial Disclosures (ECF 24) is **granted**. Accordingly, the Scheduling Conference is continued to September 14, 2017, at 11:15 a.m. Central Time. The deadline for the parties to complete their planning meeting and to submit to the Court their report is extended to September 7, 2017.

IT IS SO ORDERED.

Dated: June 27, 2017

s/Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge